

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

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DOCKET NO. 08-258

v.

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SECTION: "S"

JOSEPH OTERO  
SANDY ZARA

\*

\* \* \*

FACTUAL BASIS

If this case were to proceed to trial, the United States would prove the following facts beyond a reasonable doubt:

Agents with the New Orleans Drug Enforcement Administration would testify that on September 30, 2008, law enforcement officers from Brownsville, Texas contacted them to intercept a Federal Express Package destined for Metairie, Louisiana. The package contained approximately 1 kilogram of a white powdery substance that field-tested positive for cocaine hydrochloride. The agents advised the package was destined for 2400 David Drive, Metairie, Louisiana.

Agents would testify that on October 1, 2008 the Federal Express package containing the cocaine hydrochloride was delivered to the New Orleans DEA Office. At approximately 11:30 a.m., an agent disguised in a Federal Express uniform attempted to make a controlled delivery of

the package to 2400 David Drive in Metairie. A female later identified as the defendant, **SANDY ZARA** (hereinafter referred to as “**ZARA**”), answered the door of 2400 David Drive and signed and accepted the package of cocaine. **ZARA** had previously agreed to accept the package for co-defendant, **JOSEPH OTERO** (hereinafter referred to as “**OTERO**”). At trial, toll records of both **ZARA** and **OTERO**’s cellular telephones would be offered to show that they had contacted each other prior to and after the arrival of the Federal Express package. **ZARA** admits that she knew that **OTERO** was involved in a conspiracy to distribute cocaine and that she concealed his involvement by accepting a package of drugs that was addressed to a fictitious name. **ZARA** also admits that she did not report this felony offense to any person in civil or military authority of the United States. **ZARA** admits that she told **OTERO** when the package arrived and agreed to keep it for him until he arrived to pick it up.

At approximately 12:32 p.m., agents observed a white male, later identified as **OTERO**, arrive in a black Mercedes and walk towards the entrance at 2400 David Drive. Before **OTERO** reached the door, agents announced “Police.” **OTERO** ran into the property and locked the door as agents approached. Agents would testify that they made forcible entry at 2400 David Drive and detained **ZARA** and **OTERO**. **ZARA** provided them with consent to search the property, a store-front that she leased. Agents additionally secured a search warrant for the property. During the search, agents found the Federal Express box opened and the cocaine powder hidden in ceiling tiles inside the location. At trial, the box and the narcotics would be offered into evidence. Agents also found an Armor All can with a fake lid and a hidden compartment. Inside the can agents found several baggies that contained cocaine hydrochloride. Agents also found marijuana hidden in a Del Monte food can with a hidden compartment.

Agents would testify that they secured consent to search two additional locations associated with **ZARA** and **OTERO**; a residence at 420 Yaupon Drive, Mandeville, Louisiana owned by **ZARA**, and a residence at 1304 Minnesota Avenue, Kenner, Louisiana owned by **OTERO's** grandmother.

During the search of 1304 Minnesota Avenue, agents searched a bedroom utilized by **OTERO** and found items addressed to **OTERO** and pictures of **OTERO** and his family on the wall. In the dresser of the bedroom, agents found a substance which field tested positive for marijuana. At trial, agents would testify that the quantity of the marijuana and the manner in which it was individually packaged was consistent with distribution. Inside the same dresser agents found a loaded SKS, 7.62 caliber assault rifle, serial number 23180. The rifle contained a magazine that was similar to a 7.62 caliber magazine found in the black Mercedes that **OTERO** drove to 2400 David Drive. Agents also recovered a digital scale from the bedroom. **OTERO** admitted to agents at the residence that the drugs and weapon belonged to him and that his grandmother did not know they were in the house. At trial, an expert in narcotics trafficking would testify that drug traffickers commonly keep weapons in close proximity to their narcotics stash to protect it and themselves. No other drugs nor guns were found anywhere else in the residence.

Agents also searched the residence at 420 Yaupon Drive, Mandeville, Louisiana, where inside the mailbox they found a label with **ZARA** and **OTERO's** names written on it. **ZARA** admits that her daughter and **OTERO** stayed at the residence with her permission. In the closet of the master bedroom agents found one plastic bag which contained twelve individually wrapped baggies of a substance that field tested positive for marijuana. Agents would testify that

the quantity of the marijuana and the manner in which it was individually packaged was consistent with distribution. A mortar and pestle and several strainers containing what appeared to be cocaine residue were also located in the closet as was a Tec D-9 9mm assault weapon, Serial Number D028785, with two loaded magazines and an extender. Agents recovered boxes of baggies from the bedroom and scales from within the residence. **OTERO** admits that the gun and drugs belonged to him.

At trial, the narcotics would be offered into evidence and a forensic chemist would testify that the narcotics recovered tested positive for cocaine hydrochloride or marijuana. The total quantity of marijuana recovered from the search of 2400 David Drive, 1304 Minnesota Avenue, and 420 Yaupon Drive was 469.54 net grams. The total quantity of cocaine hydrochloride recovered from 2400 David Drive was 1058.1 net grams.

READ AND APPROVED this \_\_\_\_\_ day of July 2009:

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Joseph Otero  
Defendant